

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

V.

ORLANDO BAIRÉS-CARRAGENA,

Defendant.

Case No. 2:19-CR-0070-TOR

Protective Order for Minors and  
Order Re: Compliance with  
18 U.S.C. § 3509(d)

BEFORE THE COURT is the United States' Motion for Protective Order for Minors and Order re: Compliance with 18 U.S.C. § 3509(d). ECF No. 17. The motion was submitted for consideration without oral argument on an expedited basis. The Court has reviewed the file and the records therein, and is fully informed. The Court finds good cause to grant the motion and issues the following protective order:

IT IS HEREBY ORDERED, that the privacy protection measures mandated by 18 U.S.C. § 3509(d), when a case involves a person under the age of eighteen years who is alleged to be a victim of a crime of sexual exploitation, or a witness to a crime committed against another person, apply to this case, thus;

IT IS FURTHER ORDERED that all persons acting in this case in a capacity described in 18 U.S.C. § 3509(d)(1)(B), shall follow and abide by the privacy protections of 18 U.S.C. § 3509(d)(1) and (2) as follows:

1 (d) Privacy protection.--

2 (1) Confidentiality of information.—

3 (A) A person acting in a capacity described in  
4 subparagraph (B) in connection with a criminal  
5 proceeding shall--

6 (i) keep all documents that disclose the name or  
7 any other information concerning a child in  
8 a secure place to which no person who does  
9 not have reason to know their contents has  
access; and

10 (ii) disclose documents described in clause (i) or  
11 the information in them that concerns a child  
12 only to persons who, by reason of their  
13 participation in the proceeding, have reason  
to know such information.

14 (B) Subparagraph (A) applies to--

15 (i) all employees of the Government connected  
16 with the case, including employees of the  
17 Department of Justice, any law enforcement  
18 agency involved in the case, and any person  
19 hired by the Government to provide  
assistance in the proceeding;

20 (ii) employees of the court;

21 (iii) the defendant and employees of the  
22 defendant, including the attorney for the  
23 defendant and persons hired by the  
24 defendant or the attorney for the defendant  
25 to provide assistance in the proceeding; and

26 (iv) members of the jury.

27 (2) Filing under seal.--All papers to be filed in court that  
28 disclose the name of or any other information concerning

1 a child shall be filed under seal without necessity of  
2 obtaining a court order. The person who makes the filing  
3 shall submit to the clerk of the court--

4

5 (A) the complete paper to be kept under seal; and

6 (B) the paper with the portions of it that disclose the  
7 name of or other information concerning a child  
8 redacted, to be placed in the public record.

9 IT IS FURTHER ORDERED that counsel shall remind all persons providing  
10 assistance on this case of these obligations.

11 IT IS FURTHER ORDERED that any alleged minor victim will be referred to  
12 either by initials or a pseudonym, whichever is agreed upon by counsel for the United  
13 States and the Defendant. Counsel shall be consistent in their use of the identifier  
14 selected. The parties shall prepare their witnesses and instruct them to refer to the  
15 alleged minor victims only by using the agreed pseudonyms (e.g., "Jane Doe 1",  
16 "Jane Doe 2" etc.), rather than their names, in opening statements and in closing  
17 arguments.

18 IT IS FURTHER ORDERED that all personal information relating to any minor  
19 victim shall be precluded from public disclosure.

20 IT IS SO ORDERED. The Clerk shall enter this Order and furnish copies to  
21 counsel.

22 DATED May 17, 2019.



23 A handwritten signature in blue ink that reads "Thomas O. Rice".  
24 THOMAS O. RICE  
25 Chief United States District Judge  
26  
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